

107TH CONGRESS
1ST SESSION

S. 951

To authorize appropriations for the Coast Guard, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2001

Ms. SNOWE (for herself, Mr. KERRY, Mr. MCCAIN, Mr. HOLLINGS, Mr. BREAUX, Mr. LOTT, Mr. MURKOWSKI, and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize appropriations for the Coast Guard, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coast Guard Author-
5 ization Act of 2001”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

- Sec. 102. Authorized levels of military strength and training.
- Sec. 103. LORAN-C.
- Sec. 104. Patrol craft.
- Sec. 105. Caribbean support tender.

TITLE II—PERSONNEL MANAGEMENT

- Sec. 201. Coast Guard band director rank.
- Sec. 202. Coast Guard membership on the USO Board of Governors.
- Sec. 203. Compensatory absence for isolated duty.
- Sec. 204. Suspension of retired pay of Coast Guard members who are absent from the United States to avoid prosecution.
- Sec. 205. Extension of Coast Guard housing authorities.
- Sec. 206. Accelerated promotion of certain Coast Guard officers.
- Sec. 207. Regular lieutenant commanders and commanders; continuation on failure of selection for promotion.
- Sec. 208. Reserve officer promotion.
- Sec. 209. Reserve Student Pre-Commissioning Assistance Program.

TITLE III—MARINE SAFETY

- Sec. 301. Extension of Territorial Sea for Vessel Bridge-to-Bridge Radiotelephone Act.
- Sec. 302. Icebreaking services.
- Sec. 303. Modification of various reporting requirements.
- Sec. 304. Oil Spill Liability Trust Fund; emergency fund borrowing authority.
- Sec. 305. Merchant mariner documentation requirements.
- Sec. 306. Penalties for negligent operations and interfering with safe operation.
- Sec. 307. Fishing vessel safety training.
- Sec. 308. Extend time for recreational vessel and associated equipment recalls.

TITLE IV—RENEWAL OF ADVISORY GROUPS

- Sec. 401. Commercial Fishing Industry Vessel Advisory Committee.
- Sec. 402. Houston-Galveston Navigation Safety Advisory Committee.
- Sec. 403. Lower Mississippi River Waterway Advisory Committee.
- Sec. 404. Navigation Safety Advisory Council.
- Sec. 405. National Boating Safety Advisory Council.
- Sec. 406. Towing Safety Advisory Committee.

TITLE V—MISCELLANEOUS

- Sec. 501. Modernization of national distress and response system.
- Sec. 502. Conveyance of Coast Guard property in Portland, Maine.
- Sec. 503. Harbor safety committees.
- Sec. 504. Limitation of liability of pilots at Coast Guard Vessel Traffic Services.

TITLE VI—JONES ACT WAIVERS

- Sec. 601. Repeal of special authority to revoke endorsements.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION FOR FISCAL YEAR 2000.—

There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2000 the following amounts:

(1) For the operation and maintenance of the Coast Guard, \$2,853,000,000, of which \$300,000,000 shall be available for defense-related activities and of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$999,100,000, to remain available until expended, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and trea-

1 ties, ice operations, oceanographic research, and de-
2 fense readiness, \$19,000,000, to remain available
3 until expended, of which \$3,500,000 shall be derived
4 from the Oil Spill Liability Trust Fund.

5 (4) For retired pay (including the payment of
6 obligations otherwise chargeable to lapsed appropria-
7 tions for this purpose), payments under the Retired
8 Serviceman's Family Protection and Survivor Ben-
9 efit Plans, and payments for medical care of retired
10 personnel and their dependents under chapter 55 of
11 title 10, United States Code, \$730,327,000, to re-
12 main available until expended.

13 (5) For environmental compliance and restora-
14 tion at Coast Guard facilities (other than parts and
15 equipment associated with operations and mainte-
16 nance), \$17,000,000, to remain available until ex-
17 pended.

18 (6) For alteration or removal of bridges over
19 navigable waters of the United States constituting
20 obstructions to navigation, and for personnel and
21 administrative costs associated with the Bridge Al-
22 teration Program, \$15,000,000, to remain available
23 until expended.

24 (b) AUTHORIZATION FOR FISCAL YEAR 2001.—

25 There are authorized to be appropriated for necessary ex-

1 penses of the Coast Guard for fiscal year 2001 the fol-
2 lowing amounts:

3 (1) For the operation and maintenance of the
4 Coast Guard, \$3,483,000,000, of which \$25,000,000
5 shall be derived from the Oil Spill Liability Trust
6 Fund.

7 (2) For the acquisition, construction, rebuild-
8 ing, and improvement of aids to navigation, shore
9 and offshore facilities, vessels, and aircraft, includ-
10 ing equipment related thereto, \$428,000,000, to re-
11 main available until expended, of which \$20,000,000
12 shall be derived from the Oil Spill Liability Trust
13 Fund to carry out the purposes of section
14 1012(a)(5) of the Oil Pollution Act of 1990.

15 (3) For research, development, test, and evalua-
16 tion of technologies, materials, and human factors
17 directly relating to improving the performance of the
18 Coast Guard's mission in support of search and res-
19 cue, aids to navigation, marine safety, marine envi-
20 ronmental protection, enforcement of laws and trea-
21 ties, ice operations, oceanographic research, and de-
22 fense readiness, \$21,320,000, to remain available
23 until expended, of which \$3,500,000 shall be derived
24 from the Oil Spill Liability Trust Fund.

1 (4) For retired pay (including the payment of
2 obligations otherwise chargeable to lapsed appropria-
3 tions for this purpose), payments under the Retired
4 Serviceman's Family Protection and Survivor Ben-
5 efit Plans, and payments for medical care of retired
6 personnel and their dependents under chapter 55 of
7 title 10, United States Code, \$868,000,000, to re-
8 main available until expended.

9 (5) For environmental compliance and restora-
10 tion at Coast Guard facilities (other than parts and
11 equipment associated with operations and mainte-
12 nance), \$16,700,000, to remain available until ex-
13 pended.

14 (6) For alteration or removal of bridges over
15 navigable waters of the United States constituting
16 obstructions to navigation, and for personnel and
17 administrative costs associated with the Bridge Al-
18 teration Program, \$15,500,000, to remain available
19 until expended.

20 (c) AUTHORIZATION FOR FISCAL YEAR 2002.—

21 Funds are authorized to be appropriated for necessary ex-
22 penses of the Coast Guard for fiscal year 2002, as follows:

23 (1) For the operation and maintenance of the
24 Coast Guard, \$3,633,000,000, of which \$25,000,000

1 shall be derived from the Oil Spill Liability Trust
2 Fund.

3 (2) For the acquisition, construction, rebuild-
4 ing, and improvement of aids to navigation, shore
5 and offshore facilities, vessels, and aircraft, includ-
6 ing equipment related thereto, \$660,000,000, to re-
7 main available until expended, of which \$20,000,000
8 shall be derived from the Oil Spill Liability Trust
9 Fund to carry out the purposes of section
10 1012(a)(5) of the Oil Pollution Act of 1990.

11 (3) For research, development, test, and evalua-
12 tion of technologies, materials, and human factors
13 directly relating to improving the performance of the
14 Coast Guard's mission in support of search and res-
15 cue, aids to navigation, marine safety, marine envi-
16 ronmental protection, enforcement of laws and trea-
17 ties, ice operations, oceanographic research, and de-
18 fense readiness, \$22,000,000, to remain available
19 until expended, of which \$3,500,000 shall be derived
20 from the Oil Spill Liability Trust Fund.

21 (4) For retired pay (including the payment of
22 obligations otherwise chargeable to lapsed appropria-
23 tions for this purpose), payments under the Retired
24 Serviceman's Family Protection and Survivor Ben-
25 efit Plans, and payments for medical care of retired

1 personnel and their dependents under chapter 55 of
 2 title 10, United States Code, \$876,350,000, to re-
 3 main available until expended.

4 (5) For environmental compliance and restora-
 5 tion at Coast Guard facilities (other than parts and
 6 equipment associated with operations and mainte-
 7 nance), \$17,000,000, to remain available until ex-
 8 pended.

9 (6) For alteration or removal of bridges over
 10 navigable waters of the United States constituting
 11 obstructions to navigation, and for personnel and
 12 administrative costs associated with the Bridge Al-
 13 teration Program, \$15,500,000, to remain available
 14 until expended.

15 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
 16 **AND TRAINING.**

17 (a) **END-OF-YEAR STRENGTH FOR FISCAL YEAR**
 18 **2000.**—The Coast Guard is authorized an end-of-year
 19 strength for active duty personnel of 40,000 as of Sep-
 20 tember 30, 2000.

21 (b) **TRAINING STUDENT LOADS FOR FISCAL YEAR**
 22 **2000.**—For fiscal year 2000, the Coast Guard is author-
 23 ized average military training student loads as follows:

24 (1) For recruit and special training, 1,500 stu-
 25 dent years.

1 (2) For flight training, 100 student years.

2 (3) For professional training in military and ci-
3 vilian institutions, 300 student years.

4 (4) For officer acquisition, 1,000 student years.

5 (c) END-OF-YEAR STRENGTH FOR FISCAL YEAR
6 2001.—The Coast Guard is authorized an end-of-year
7 strength for active duty personnel of 44,000 as of Sep-
8 tember 30, 2001.

9 (d) TRAINING STUDENT LOADS FOR FISCAL YEAR
10 2001.—For fiscal year 2001, the Coast Guard is author-
11 ized average military training student loads as follows:

12 (1) For recruit and special training, 1,500 stu-
13 dent years.

14 (2) For flight training, 125 student years.

15 (3) For professional training in military and ci-
16 vilian institutions, 300 student years.

17 (4) For officer acquisition, 1,000 student years.

18 (e) END-OF-YEAR STRENGTH FOR FISCAL YEAR
19 2002.—The Coast Guard is authorized an end-of-year
20 strength of active duty personnel of 45,500 as of Sep-
21 tember 30, 2002.

22 (f) TRAINING STUDENT LOADS FOR FISCAL YEAR
23 2002.—For fiscal year 2002, the Coast Guard is author-
24 ized average military training student loads as follows:

1 (1) For recruit and special training, 1,500 stu-
2 dent years.

3 (2) For flight training, 125 student years.

4 (3) For professional training in military and ci-
5 vilian institutions, 300 student years.

6 (4) For officer acquisition, 1,050 student years.

7 **SEC. 103. LORAN-C.**

8 (a) IN GENERAL.—There are authorized to be appro-
9 priated to the Department of Transportation, in addition
10 to funds authorized for the Coast Guard for operation of
11 the LORAN-C system, for capital expenses related to
12 LORAN-C navigation infrastructure, \$25,000,000 for fis-
13 cal year 2001. The Secretary of Transportation may
14 transfer from the Federal Aviation Administration and
15 other agencies of the department funds appropriated as
16 authorized under this section in order to reimburse the
17 Coast Guard for related expenses.

18 (b) FISCAL YEAR 2002.—There are authorized to be
19 appropriated to the Department of Transportation, in ad-
20 dition to funds authorized for the Coast Guard for oper-
21 ation of the LORAN-C system, for capital expenses re-
22 lated to LORAN-C navigation infrastructure,
23 \$44,000,000 for fiscal year 2002. The Secretary of Trans-
24 portation may transfer from the Federal Aviation Admin-
25 istration and other agencies of the department funds ap-

1 appropriated as authorized under this section in order to re-
2 imburse the Coast Guard for related expenses.

3 **SEC. 104. PATROL CRAFT.**

4 (a) TRANSFER OF CRAFT FROM DOD.—Notwith-
5 standing any other provision of law, the Secretary of
6 Transportation may accept, by direct transfer without
7 cost, for use by the Coast Guard primarily for expanded
8 drug interdiction activities required to meet national sup-
9 ply reduction performance goals, up to 7 PC-170 patrol
10 craft from the Department of Defense if it offers to trans-
11 fer such craft.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to the Coast Guard, in
14 addition to amounts otherwise authorized by this Act, up
15 to \$100,000,000, to remain available until expended, for
16 the conversion of, operation and maintenance of, personnel
17 to operate and support, and shoreside infrastructure re-
18 quirements for, up to 7 patrol craft.

19 **SEC. 105. CARIBBEAN SUPPORT TENDER.**

20 The Coast Guard is authorized to operate and main-
21 tain a Caribbean Support Tender (or similar type vessel)
22 to provide technical assistance, including law enforcement
23 training, for foreign coast guards, navies, and other mari-
24 time services.

TITLE II—PERSONNEL MANAGEMENT

SEC. 201. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking “commander” and inserting “captain”.

SEC. 202. COAST GUARD MEMBERSHIP ON THE USO BOARD OF GOVERNORS.

Section 220104(a)(2) of title 36, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

“(C) the Secretary of Transportation, or the Secretary’s designee, when the Coast Guard is not operating under the Department of the Navy; and”.

SEC. 203. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

(a) IN GENERAL.—Section 511 of title 14, United States Code, is amended to read as follows:

1 **“§ 511. Compensatory absence from duty for military**
 2 **personnel at isolated duty stations**

3 “The Secretary may grant compensatory absence
 4 from duty to military personnel of the Coast Guard serv-
 5 ing at isolated duty stations of the Coast Guard when con-
 6 ditions of duty result in confinement because of isolation
 7 or in long periods of continuous duty.”.

8 (b) CLERICAL AMENDMENT.—The chapter analysis
 9 for chapter 13 of title 14, United States Code, is amended
 10 by striking the item relating to section 511 and inserting
 11 the following:

“511. Compensatory absence from duty for military personnel at isolated duty
 stations.”.

12 **SEC. 204. SUSPENSION OF RETIRED PAY OF COAST GUARD**
 13 **MEMBERS WHO ARE ABSENT FROM THE**
 14 **UNITED STATES TO AVOID PROSECUTION.**

15 Section 633 of the National Defense Authorization
 16 Act for Fiscal Year 1997 (Public Law 104–201) is amend-
 17 ed by redesignating subsections (b), (c), and (d) in order
 18 as subsections (c), (d), and (e), and by inserting after sub-
 19 section (a) the following:

20 “(b) APPLICATION TO COAST GUARD.—Procedures
 21 promulgated by the Secretary of Defense under subsection
 22 (a) shall apply to the Coast Guard. The Commandant of
 23 the Coast Guard shall be considered a Secretary of a mili-

1 tary department for purposes of suspending pay under
2 this section.”.

3 **SEC. 205. EXTENSION OF COAST GUARD HOUSING AU-**
4 **THORITIES.**

5 Section 689 of title 14, United States Code, is
6 amended by striking “2001.” and inserting “2006.”.

7 **SEC. 206. ACCELERATED PROMOTION OF CERTAIN COAST**
8 **GUARD OFFICERS.**

9 Title 14, United States Code, is amended—

10 (1) in section 259, by adding at the end a new
11 subsection (c) to read as follows:

12 “(c)(1) After selecting the officers to be rec-
13 ommended for promotion, a selection board may rec-
14 ommend officers of particular merit, from among those of-
15 ficers chosen for promotion, to be placed at the top of the
16 list of selectees promulgated by the Secretary under sec-
17 tion 271(a) of this title. The number of officers that a
18 board may recommend to be placed at the top of the list
19 of selectees may not exceed the percentages set forth in
20 subsection (b) unless such a percentage is a number less
21 than one, in which case the board may recommend one
22 officer for such placement. No officer may be rec-
23 ommended to be placed at the top of the list of selectees
24 unless he or she receives the recommendation of at least
25 a majority of the members of a board composed of five

1 members, or at least two-thirds of the members of a board
2 composed of more than five members.

3 “(2) A selection board may not make any rec-
4 ommendation under this subsection before the date the
5 Secretary publishes a finding that implementation of this
6 subsection will improve Coast Guard officer retention and
7 management.

8 “(3) The Secretary shall submit any finding made by
9 the Secretary pursuant to paragraph (2) to the Committee
10 on Transportation and Infrastructure of the House of
11 Representatives and the Committee on Commerce,
12 Science, and Transportation of the Senate.”;

13 (2) in section 260(a), by inserting “and the
14 names of those officers recommended to be advanced
15 to the top of the list of selectees established by the
16 Secretary under section 271(a) of this title” after
17 “promotion”; and

18 (3) in section 271(a), by inserting at the end
19 thereof the following: “The names of all officers ap-
20 proved by the President and recommended by the
21 board to be placed at the top of the list of selectees
22 shall be placed at the top of the list of selectees in
23 the order of seniority on the active duty promotion
24 list.”.

1 **SEC. 207. REGULAR LIEUTENANT COMMANDERS AND COM-**
2 **MANDERS; CONTINUATION ON FAILURE OF**
3 **SELECTION FOR PROMOTION.**

4 Section 285 of title 14, United States Code, is
5 amended—

6 (1) by striking “Each officer” and inserting
7 “(a) Each officer”; and

8 (2) by adding at the end the following new sub-
9 sections:

10 “(b) A lieutenant commander or commander of the
11 Regular Coast Guard subject to discharge or retirement
12 under subsection (a) may be continued on active duty
13 when the Secretary directs a selection board convened
14 under section 251 of this title to continue up to a specified
15 number of lieutenant commanders or commanders on ac-
16 tive duty. When so directed, the selection board shall rec-
17 ommend those officers who in the opinion of the board
18 are best qualified to advance the needs and efficiency of
19 the Coast Guard. When the recommendations of the board
20 are approved by the Secretary, the officers recommended
21 for continuation shall be notified that they have been rec-
22 ommended for continuation and offered an additional term
23 of service that fulfills the needs of the Coast Guard.

24 “(c)(1) An officer who holds the grade of lieutenant
25 commander of the Regular Coast Guard may not be con-
26 tinued on active duty under subsection (b) for a period

1 which extends beyond 24 years of active commissioned
2 service unless promoted to the grade of commander of the
3 Regular Coast Guard. An officer who holds the grade of
4 commander of the Regular Coast Guard may not be con-
5 tinued on active duty under subsection (b) for a period
6 which extends beyond 26 years of active commissioned
7 service unless promoted to the grade of captain of the Reg-
8 ular Coast Guard.

9 “(2) Unless retired or discharged under another pro-
10 vision of law, each officer who is continued on active duty
11 under subsection (b), is not subsequently promoted or con-
12 tinued on active duty, and is not on a list of officers rec-
13 ommended for continuation or for promotion to the next
14 higher grade, shall, if eligible for retirement under any
15 provision of law, be retired under that law on the first
16 day of the first month following the month in which the
17 period of continued service is completed.”

18 **SEC. 208. RESERVE OFFICER PROMOTIONS.**

19 (a) Section 729(i) of Title 14, United States Code
20 is amended by inserting “on the date a vacancy occurs,
21 or as soon thereafter as practicable, in the grade to which
22 the officer was selected for promotion, or if promotion was
23 determined in accordance with a running mate system,”
24 after “grade”.

1 (b) Section 731 of title 14, United States Coast Code,
2 is amended by striking the period at the end of the sen-
3 tence in section 731, and inserting “, or in the event that
4 promotion is not determined in accordance with a running
5 mate system, then a Reserve officer becomes eligible for
6 consideration for promotion to the next higher grade at
7 the beginning of the promotion year in which he completes
8 the following amount of service computed from his date
9 of rank in the grade in which he is serving:

10 (1) 2 years in the grade of lieutenant (junior
11 grade);

12 (2) 3 years in the grade of lieutenant;

13 (3) 4 years in the grade of lieutenant com-
14 mander;

15 (4) 4 years in the grade of commander; and

16 (5) 3 years in the grade of captain.”.

17 (c) Section 736(a) of title 14, United States Code,
18 is amended by inserting “the date of rank shall be the
19 date of appointment in that grade, unless the promotion
20 was determined in accordance with a running mate sys-
21 tem, in which event” after “subchapter,” in the first sen-
22 tence in Section 736(a).

1 **SEC. 209. RESERVE STUDENT PRE-COMMISSIONING ASSIST-**
2 **ANCE PROGRAM.**

3 (a) IN GENERAL.—Chapter 21 of title 14, United
4 States Code, is amended by inserting after section 709 the
5 following new section:

6 **“§ 709a. Reserve student pre-commissioning assist-**
7 **ance program**

8 “(a) The Secretary may provide financial assistance
9 to an eligible enlisted member of the Coast Guard Reserve,
10 not on active duty, for expenses of the member while the
11 member is pursuing on a full-time basis at an institution
12 of higher education a program of education approved by
13 the Secretary that leads to—

14 “(1) a baccalaureate degree in not more than 5
15 academic years; or

16 “(2) a doctor of jurisprudence or bachelor of
17 laws degree in not more than 3 academic years.

18 “(b)(1) To be eligible for financial assistance under
19 this section, an enlisted member of the Coast Guard Re-
20 serve must—

21 “(A) be enrolled on a full-time basis in a pro-
22 gram of education referred to in subsection (a) at
23 any institution of higher education; and

24 “(B) enter into a written agreement with the
25 Coast Guard described in paragraph (2).

1 “(2) A written agreement referred to in paragraph
2 (1)(B) is an agreement between the member and the Sec-
3 retary in which the member agrees—

4 “(A) to accept an appointment as a commis-
5 sioned officer in the Coast Guard Reserve, if ten-
6 dered;

7 “(B) to serve on active duty for up to five
8 years; and

9 “(C) under such terms and conditions as shall
10 be prescribed by the Secretary, to serve in the Coast
11 Guard Reserve until the eighth anniversary of the
12 date of the appointment.

13 “(c) Expenses for which financial assistance may be
14 provided under this section are—

15 “(1) tuition and fees charged by the institution
16 of higher education involved;

17 “(2) the cost of books;

18 “(3) in the case of a program of education lead-
19 ing to a baccalaureate degree, laboratory expenses;
20 and

21 “(4) such other expenses deemed appropriate by
22 the Secretary.

23 “(d) The amount of financial assistance provided to
24 a member under this section shall be prescribed by the

1 Secretary, but may not exceed \$25,000 for any academic
2 year.

3 “(e) Financial assistance may be provided to a mem-
4 ber under this section for up to 5 consecutive academic
5 years.

6 “(f) A member who receives financial assistance
7 under this section may be ordered to active duty in the
8 Coast Guard Reserve by the Secretary to serve in a des-
9 ignated enlisted grade for such period as the Secretary
10 prescribes, but not more than 4 years, if the member”

11 “(1) completes the academic requirements of
12 the program and refuses to accept an appointment
13 as a commissioned officer in the Coast Guard Re-
14 serve when offered;

15 “(2) fails to complete the academic require-
16 ments of the institution of higher education involved;
17 or

18 “(3) fails to maintain eligibility for an original
19 appointment as a commissioned officer.

20 “(g)(1) If a member requests to be released from the
21 program and the request is accepted by the Secretary, or
22 if the member fails because of misconduct to complete the
23 period of active duty specified, or if the member fails to
24 fulfill any term or condition of the written agreement re-
25 quired to be eligible for financial assistance under this sec-

tion, the financial assistance shall be terminated. The member shall reimburse the United States in an amount that bears the same ratio to the total cost of the education provided to such person as the unserved portion of active duty bears to the total period of active duty such person agreed to serve. The Secretary shall have the option to order such reimbursement without first ordering the member to active duty.

“(2) The Secretary may waive the service obligated under subsection (f) of a member who is not physically qualified for appointment and who is determined to be unqualified for service as an enlisted member of the Coast Guard Reserve due to a physical or medical condition that was not the result of the member’s own misconduct or grossly negligent conduct.

“(h) As used in this section, the term ‘institution of higher education’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 21 of title 14, United States Code, is amended by adding the following new item after the item relating to section 709:

“709a. Reserve student pre-commissioning assistance program”.

1 **TITLE III—MARINE SAFETY**

2 **SEC. 301. EXTENSION OF TERRITORIAL SEA FOR VESSEL**
3 **BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.**

4 Section 4(b) of the Vessel Bridge-to-Bridge Radio-
5 telephone Act (33 U.S.C. 1203(b)), is amended by striking
6 “United States inside the lines established pursuant to
7 section 2 of the Act of February 19, 1895 (28 Stat. 672),
8 as amended.” and inserting “United States, which in-
9 cludes all waters of the territorial sea of the United States
10 as described in Presidential Proclamation 5928 of Decem-
11 ber 27, 1988.”.

12 **SEC. 302. ICEBREAKING SERVICES.**

13 The Commandant of the Coast Guard shall not plan,
14 implement or finalize any regulation or take any other ac-
15 tion which would result in the decommissioning of any
16 WYTL-class harbor tugs unless and until the Com-
17 mandant certifies in writing to the Committee on Com-
18 merce, Science, and Transportation of the Senate and the
19 Committee on Transportation and Infrastructure of the
20 House, that sufficient replacement assets have been pro-
21 cured by the Coast Guard to remediate any degradation
22 in current icebreaking services that would be caused by
23 such decommissioning.

1 **SEC. 303. MODIFICATION OF VARIOUS REPORTING RE-**
 2 **QUIREMENTS.**

3 (a) **TERMINATION OF OIL SPILL LIABILITY TRUST**
 4 **FUND ANNUAL REPORT.—**

5 (1) **IN GENERAL.**—The report regarding the Oil
 6 Spill Liability Trust Fund required by the Con-
 7 ference Report (House Report 101–892) accom-
 8 panying the Department of Transportation and Re-
 9 lated Agencies Appropriations Act, 1991, as that re-
 10 quirement was amended by section 1122 of the Fed-
 11 eral Reports Elimination and Sunset Act of 1995
 12 (26 U.S.C. 9509 note), shall no longer be submitted
 13 to the Congress.

14 (2) **REPEAL.**—Section 1122 of the Federal Re-
 15 ports Elimination and Sunset Act of 1995 (26
 16 U.S.C. 9509 note) is amended by—

17 (A) striking subsection (a); and

18 (B) striking “(b) **REPORT ON JOINT FED-**
 19 **ERAL AND STATE MOTOR FUEL TAX COMPLI-**
 20 **ANCE PROJECT.—**”.

21 (b) **PRESERVATION OF CERTAIN REPORTING RE-**
 22 **QUIREMENTS.**—Section 3003(a)(1) of the Federal Reports
 23 Elimination and Sunset Act of 1995 (31 U.S.C. 1113
 24 note) does not apply to any report required to be sub-
 25 mitted under any of the following provisions of law:

1 (1) COAST GUARD OPERATIONS AND EXPENDI-
2 TURES.—Section 651 of title 14, United States
3 Code.

4 (2) SUMMARY OF MARINE CASUALTIES RE-
5 PORTED DURING PRIOR FISCAL YEAR.—Section
6 6307(c) of title 46, United States Code.

7 (3) USER FEE ACTIVITIES AND AMOUNTS.—
8 Section 664 of title 46, United States Code.

9 (4) CONDITIONS OF PUBLIC PORTS OF THE
10 UNITED STATES.—Section 308(c) of title 49, United
11 States Code.

12 (5) ACTIVITIES OF FEDERAL MARITIME COM-
13 MISSION.—Section 208 of the Merchant Marine Act,
14 1936 (46 App. U.S.C. 1118).

15 (6) ACTIVITIES OF INTERAGENCY COORDI-
16 NATING COMMITTEE ON OIL POLLUTION RE-
17 SEARCH.—Section 7001(e) of the Oil Pollution Act
18 of 1990 (33 U.S.C. 2761(e)).

19 **SEC. 304. OIL SPILL LIABILITY TRUST FUND; EMERGENCY**
20 **FUND BORROWING AUTHORITY.**

21 Section 6002(b) of the Oil Pollution Act of 1990 (33
22 U.S.C. 2752(b)) is amended after the first sentence by
23 inserting “To the extent that such amount is not adequate
24 for removal of a discharge or the mitigation or prevention
25 of a substantial threat of a discharge, the Coast Guard

1 may borrow from the Fund such sums as may be nec-
 2 essary, up to a maximum of \$100,000,000, and within 30
 3 days shall notify Congress of the amount borrowed and
 4 the facts and circumstances necessitating the loan.
 5 Amounts borrowed shall be repaid to the Fund when, and
 6 to the extent that removal costs are recovered by the Coast
 7 Guard from responsible parties for the discharge or sub-
 8 stantial threat of discharge.”.

9 **SEC. 305. MERCHANT MARINER DOCUMENTATION RE-**
 10 **QUIREMENTS.**

11 (a) INTERIM MERCHANT MARINERS’ DOCUMENTS.—
 12 Section 7302 of title 46, United States Code, is
 13 amended—

14 (1) by striking “A” in subsection (f) and insert-
 15 ing “Except as provided in subsection (g), a”; and

16 (2) by adding at the end the following:

17 “(g)(1) The Secretary may, pending receipt and re-
 18 view of information required under subsections (c) and
 19 (d), immediately issue an interim merchant mariner’s doc-
 20 ument valid for a period not to exceed 120 days, to—

21 “(A) an individual to be employed as gaming
 22 personnel, entertainment personnel, wait staff, or
 23 other service personnel on board a passenger vessel
 24 not engaged in foreign service, with no duties, in-
 25 cluding emergency duties, related to the navigation

1 of the vessel or the safety of the vessel, its crew,
2 cargo or passengers; or

3 “(B) an individual seeking renewal of, or quali-
4 fying for a supplemental endorsement to, a valid
5 merchant mariner’s document issued under this sec-
6 tion.

7 “(2) No more than one interim document may be
8 issued to an individual under paragraph (1)(A) of this
9 subsection.”.

10 (b) EXCEPTION.—Section 8701(a) of title 46, United
11 States Code, is amended—

12 (1) by striking “and” after the semicolon in
13 paragraph (8);

14 (2) by redesignating paragraph (9) as para-
15 graph (10); and

16 (3) by inserting after paragraph (8) the fol-
17 lowing:

18 “(9) a passenger vessel not engaged in a for-
19 eign voyage with respect to individuals on board em-
20 ployed for a period of not more than 30 service days
21 within a 12 month period as entertainment per-
22 sonnel, with no duties, including emergency duties,
23 related to the navigation of the vessel or the safety
24 of the vessel, its crew, cargo or passengers; and”.

1 **SEC. 306. PENALTIES FOR NEGLIGENT OPERATIONS AND**
 2 **INTERFERING WITH SAFE OPERATION.**

3 Section 2302(a) of title 46, United States Code, is
 4 amended by striking “\$1,000.” and inserting “\$5,000 in
 5 the case of a recreational vessel, or \$25,000 in the case
 6 of any other vessel.”.

7 **SEC. 307. FISHING VESSEL SAFETY TRAINING.**

8 (a) IN GENERAL.—The Commandant of the Coast
 9 Guard may provide support, with or without reimburse-
 10 ment, to an entity engaged in fishing vessel safety training
 11 including—

- 12 (1) assistance in developing training curricula;
- 13 (2) use of Coast Guard personnel, including ac-
 14 tive duty members, members of the Coast Guard Re-
 15 serve, and members of the Coast Guard Auxiliary, as
 16 temporary or adjunct instructors;
- 17 (3) sharing of appropriate Coast Guard infor-
 18 mational and safety publications; and
- 19 (4) participation on applicable fishing vessel
 20 safety training advisory panels.

21 (b) NO INTERFERENCE WITH OTHER FUNCTIONS.—
 22 In providing support under subsection (a), the Com-
 23 mandant shall ensure that the support does not interfere
 24 with any Coast Guard function or operation.

1 **SEC. 308. EXTEND TIME FOR RECREATIONAL VESSEL AND**
 2 **ASSOCIATED EQUIPMENT RECALLS.**

3 Section 4310(c)(2) of title 46, United States Code, is
 4 amended in subparagraphs (A) and (B) by striking “5”
 5 wherever it appears and inserting “10” in its place.

6 **TITLE IV—RENEWAL OF**
 7 **ADVISORY GROUPS**

8 **SEC. 401. COMMERCIAL FISHING INDUSTRY VESSEL ADVI-**
 9 **SORY COMMITTEE.**

10 (a) COMMERCIAL FISHING INDUSTRY VESSEL ADVI-
 11 SORY COMMITTEE.—Section 4508 of title 46, United
 12 States Code, is amended—

13 (1) by inserting “**Safety**” in the heading after
 14 “**Vessel**”;

15 (2) by inserting “Safety” in subsection (a) after
 16 “Vessel”;

17 (3) by striking “(5 U.S.C App. 1 et seq.)” in
 18 subsection (e)(1)(I) and inserting “(5 U.S.C.
 19 App.)”; and

20 (4) by striking “of September 30, 2000” and
 21 inserting “on September 30, 2005”.

22 (b) CONFORMING AMENDMENT.—The chapter anal-
 23 ysis for chapter 45 of title 46, United States Code, is
 24 amended by striking the item relating to section 4508 and
 25 inserting the following:

“4508. Commercial Fishing Industry Vessel Safety Advisory Committee.”.

1 **SEC. 402. HOUSTON-GALVESTON NAVIGATION SAFETY AD-**
 2 **VISORY COMMITTEE.**

3 Section 18(h) of the Coast Guard Authorization Act
 4 of 1991 (Public Law 102–241) is amended by striking
 5 “September 30, 2000.” and inserting “September 30,
 6 2005.”.

7 **SEC. 403. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY**
 8 **COMMITTEE.**

9 Section 19 of the Coast Guard Authorization Act of
 10 1991 (Public Law 102–241) is amended by striking “Sep-
 11 tember 30, 2000” in subsection (g) and inserting “Sep-
 12 tember 30, 2005”.

13 **SEC. 404. NAVIGATION SAFETY ADVISORY COUNCIL.**

14 Section 5 of the Inland Navigational Rules Act of
 15 1980 (33 U.S.C. 2073) is amended by striking “Sep-
 16 tember 30, 2000” in subsection (d) and inserting “Sep-
 17 tember 30, 2005”.

18 **SEC. 405. NATIONAL BOATING SAFETY ADVISORY COUNCIL.**

19 Section 13110 of title 46, United States Code, is
 20 amended by striking “September 30, 2000” in subsection
 21 (e) and inserting “September 30, 2005”.

22 **SEC. 406. TOWING SAFETY ADVISORY COMMITTEE.**

23 The Act entitled “An Act to Establish a Towing Safe-
 24 ty Advisory Committee in the Department of Transpor-
 25 tation” (33 U.S.C. 1231a) is amended by striking “Sep-

1 tember 30, 2000.” in subsection (e) and inserting “Sep-
 2 tember 30, 2005.”.

3 **TITLE V—MISCELLANEOUS**

4 **SEC. 501. MODERNIZATION OF NATIONAL DISTRESS AND** 5 **RESPONSE SYSTEM.**

6 (a) REPORT.—The Secretary of Transportation shall
 7 prepare a status report on the modernization of the Na-
 8 tional Distress and Response System and transmit the re-
 9 port, not later than 60 days after the date of enactment
 10 of this Act, and annually thereafter until completion of
 11 the project, to the Committee on Commerce, Science, and
 12 Transportation of the Senate and the Committee on
 13 Transportation and Infrastructure of the House of Rep-
 14 resentatives.

15 (b) CONTENTS.—The report required by subsection
 16 (a) shall—

17 (1) set forth the scope of the modernization, the
 18 schedule for completion of the System, and provide
 19 information on progress in meeting the schedule and
 20 on any anticipated delays;

21 (2) specify the funding expended to-date on the
 22 System, the funding required to complete the sys-
 23 tem, and the purposes for which the funds were or
 24 will be expended;

1 (3) describe and map the existing public and
2 private communications coverage throughout the wa-
3 ters of the coastal and internal regions of the conti-
4 nental United States, Alaska, Hawaii, Guam, and
5 the Caribbean, and identify locations that possess di-
6 rection-finding, asset-tracking communications, and
7 digital selective calling service;

8 (4) identify areas of high risk to boaters and
9 Coast Guard personnel due to communications gaps;

10 (5) specify steps taken by the Secretary to fill
11 existing gaps in coverage, including obtaining direc-
12 tion-finding equipment, digital recording systems,
13 asset-tracking communications, use of commercial
14 VHF services, and digital selective calling services
15 that meet or exceed Global Maritime Distress and
16 Safety System requirements adopted under the
17 International Convention for the Safety of Life at
18 Sea;

19 (6) identify the number of VHF–FM radios
20 equipped with digital selective calling sold to United
21 States boaters;

22 (7) list all reported marine accidents, casualties,
23 and fatalities associated with existing communica-
24 tions gaps or failures, including incidents associated
25 with gaps in VHF–FM coverage or digital selective

1 calling capabilities and failures associated with inad-
 2 equate communications equipment aboard the in-
 3 volved vessels;

4 (8) identify existing systems available to close
 5 identified marine safety gaps before January 1,
 6 2003, including expeditious receipt and response by
 7 appropriate Coast Guard operations centers to
 8 VHF–FM digital selective calling distress signal;
 9 and

10 (9) identify actions taken to-date to implement
 11 the recommendations of the National Transportation
 12 Safety Board in its Report No. MAR–99–01.

13 **SEC. 502. CONVEYANCE OF COAST GUARD PROPERTY IN**
 14 **PORTLAND, MAINE.**

15 (a) AUTHORITY TO CONVEY.—

16 (1) IN GENERAL.—The Administrator of Gen-
 17 eral Services may convey to the Gulf of Maine
 18 Aquarium Development Corporation, its successors
 19 and assigns, without payment for consideration, all
 20 right, title, and interest of the United States in and
 21 to approximately 4.13 acres of land, including a pier
 22 and bulkhead, known as the Naval Reserve Pier
 23 property, together with any improvements thereon in
 24 their then current condition, located in Portland,
 25 Maine. All conditions placed with the deed of title

1 shall be construed as covenants running with the
2 land.

3 (2) IDENTIFICATION OF PROPERTY.—The Ad-
4 ministrator, in consultation with the Commandant of
5 the Coast Guard, may identify, describe, and deter-
6 mine the property to be conveyed under this section.
7 The floating docks associated with or attached to the
8 Naval Reserve Pier property shall remain the per-
9 sonal property of the United States.

10 (b) LEASE TO THE UNITED STATES.—

11 (1) CONDITION OF CONVEYANCE.—The Naval
12 Reserve Pier property shall not be conveyed until the
13 Corporation enters into a lease agreement with the
14 United States, the terms of which are mutually sat-
15 isfactory to the Commandant and the Corporation,
16 in which the Corporation shall lease a portion of the
17 Naval Reserve Pier property to the United States
18 for a term of 30 years without payment of consider-
19 ation. The lease agreement shall be executed within
20 12 months after the date of enactment of this Act.

21 (2) IDENTIFICATION OF LEASED PREMISES.—
22 The Administrator, in consultation with the Com-
23 mandant, may identify and describe the leased prem-
24 ises and rights of access, including the following, in

1 order to allow the Coast Guard to operate and per-
2 form missions from and upon the leased premises:

3 (A) The right of ingress and egress over
4 the Naval Reserve Pier property, including the
5 pier and bulkhead, at any time, without notice,
6 for purposes of access to Coast Guard vessels
7 and performance of Coast Guard missions and
8 other mission-related activities.

9 (B) The right to berth Coast Guard cut-
10 ters or other vessels as required, in the moor-
11 ings along the east side of the Naval Reserve
12 Pier property, and the right to attach floating
13 docks which shall be owned and maintained at
14 the United States' sole cost and expense.

15 (C) The right to operate, maintain, re-
16 move, relocate, or replace an aid to navigation
17 located upon, or to install any aid to navigation
18 upon, the Naval Reserve Pier property as the
19 Coast Guard, in its sole discretion, may deter-
20 mine is needed for navigational purposes.

21 (D) The right to occupy up to 3,000 gross
22 square feet at the Naval Reserve Pier property
23 for storage and office space, which will be pro-
24 vided and constructed by the Corporation, at
25 the Corporation's sole cost and expense, and

1 which will be maintained, and utilities and
2 other operating expenses paid for, by the
3 United States at its sole cost and expense.

4 (E) The right to occupy up to 1,200 gross
5 square feet of offsite storage in a location other
6 than the Naval Reserve Pier property, which
7 will be provided by the Corporation at the Cor-
8 poration's sole cost and expense, and which will
9 be maintained, and utilities and other operating
10 expenses paid for, by the United States at its
11 sole cost and expense.

12 (F) The right for Coast Guard personnel
13 to park up to 60 vehicles, at no expense to the
14 government, in the Corporation's parking
15 spaces on the Naval Reserve Pier property or in
16 parking spaces that the Corporation may secure
17 within 1,000 feet of the Naval Reserve Pier
18 property or within 1,000 feet of the Coast
19 Guard Marine Safety Office Portland. Spaces
20 for no less than 30 vehicles shall be located on
21 the Naval Reserve Pier property.

22 (3) RENEWAL.—The lease described in para-
23 graph (1) may be renewed, at the sole option of the
24 United States, for additional lease terms.

1 (4) LIMITATION ON SUBLEASES.—The United
 2 States may not sublease the leased premises to a
 3 third party or use the leased premises for purposes
 4 other than fulfilling the missions of the Coast Guard
 5 and for other mission related activities.

6 (5) TERMINATION.—In the event that the Coast
 7 Guard ceases to use the leased premises, the Admin-
 8 istrator, in consultation with the Commandant, may
 9 terminate the lease with the Corporation.

10 (c) IMPROVEMENT OF LEASED PREMISES.—

11 (1) IN GENERAL.—The Naval Reserve Pier
 12 property shall not be conveyed until the Corporation
 13 enters into an agreement with the United States,
 14 subject to the Commandant’s design specifications,
 15 project’s schedule, and final project approval, to re-
 16 place the bulkhead and pier which connects to, and
 17 provides access from, the bulkhead to the floating
 18 docks, at the Corporation’s sole cost and expense, on
 19 the east side of the Naval Reserve Pier property
 20 within 30 months from the date of conveyance. The
 21 agreement to improve the leased premises shall be
 22 executed within 12 months after the date of enact-
 23 ment of this Act.

24 (2) FURTHER IMPROVEMENTS.—In addition to
 25 the improvements described in paragraph (1), the

1 Commandant is authorized to further improve the
2 leased premises during the lease term, at the United
3 States sole cost and expense.

4 (d) UTILITY INSTALLATION AND MAINTENANCE OB-
5 LIGATIONS.—

6 (1) UTILITIES.—The Naval Reserve Pier prop-
7 erty shall not be conveyed until the Corporation en-
8 ters into an agreement with the United States to
9 allow the United States to operate and maintain ex-
10 isting utility lines and related equipment, at the
11 United States sole cost and expense. At such time
12 as the Corporation constructs its proposed public
13 aquarium, the Corporation shall replace existing util-
14 ity lines and related equipment and provide addi-
15 tional utility lines and equipment capable of sup-
16 porting a third 110-foot Coast Guard cutter, with
17 comparable, new, code compliant utility lines and
18 equipment at the Corporation's sole cost and ex-
19 pense, maintain such utility lines and related equip-
20 ment from an agreed upon demarcation point, and
21 make such utility lines and equipment available for
22 use by the United States, provided that the United
23 States pays for its use of utilities at its sole cost and
24 expense. The agreement concerning the operation
25 and maintenance of utility lines and equipment shall

1 be executed within 12 months after the date of en-
2 actment of this Act.

3 (2) MAINTENANCE.—The Naval Reserve Pier
4 property shall not be conveyed until the Corporation
5 enters into an agreement with the United States to
6 maintain, at the Corporation's sole cost and expense,
7 the bulkhead and pier on the east side of the Naval
8 Reserve Pier property. The agreement concerning
9 the maintenance of the bulkhead and pier shall be
10 executed within 12 months after the date of enact-
11 ment of this Act.

12 (3) AIDS TO NAVIGATION.—The United States
13 shall be required to maintain, at its sole cost and ex-
14 pense, any Coast Guard active aid to navigation lo-
15 cated upon the Naval Reserve Pier property.

16 (e) ADDITIONAL RIGHTS.—The conveyance of the
17 Naval Reserve Pier property shall be made subject to con-
18 ditions the Administrator or the Commandant consider
19 necessary to ensure that—

20 (1) the Corporation shall not interfere or allow
21 interference, in any manner, with use of the leased
22 premises by the United States; and

23 (2) the Corporation shall not interfere or allow
24 interference, in any manner, with any aid to naviga-
25 tion nor hinder activities required for the operation

1 and maintenance of any aid to navigation, without
2 the express written permission of the head of the
3 agency responsible for operating and maintaining
4 the aid to navigation.

5 (f) REMEDIES AND REVERSIONARY INTEREST.—The
6 Naval Reserve Pier property, at the option of the Adminis-
7 trator, shall revert to the United States and be placed
8 under the administrative control of the Administrator, if,
9 and only if, the Corporation fails to abide by any of the
10 terms of this section or any agreement entered into under
11 subsection (b), (c), or (d) of this section.

12 (g) LIABILITY OF THE PARTIES.—The liability of the
13 United States and the Corporation for any injury, death,
14 or damage to or loss of property occurring on the leased
15 property shall be determined with reference to existing
16 State or Federal law, as appropriate, and any such liabil-
17 ity may not be modified or enlarged by this Act or any
18 agreement of the parties.

19 (h) EXPIRATION OF AUTHORITY TO CONVEY.—The
20 authority to convey the Naval Reserve property under this
21 section shall expire 3 years after the date of enactment
22 of this Act.

23 (i) DEFINITIONS.—In this section:

24 (1) AID TO NAVIGATION.—The term “aid to
25 navigation” means equipment used for navigational

1 purposes, including but not limited to, a light, an-
2 tenna, sound signal, electronic navigation equipment,
3 cameras, sensors power source, or other related
4 equipment which are operated or maintained by the
5 United States.

6 (2) CORPORATION.—The term “Corporation”
7 means the Gulf of Maine Aquarium Development
8 Corporation, its successors and assigns.

9 **SEC. 503. HARBOR SAFETY COMMITTEES.**

10 (a) STUDY.—The Coast Guard shall study existing
11 harbor safety committees in the United States to
12 identify—

13 (1) strategies for gaining successful cooperation
14 among the various groups having an interest in the
15 local port or waterway;

16 (2) organizational models that can be applied to
17 new or existing harbor safety committees or to pro-
18 totype harbor safety committees established under
19 subsection (b);

20 (3) technological assistance that will help har-
21 bor safety committees overcome local impediments to
22 safety, mobility, environmental protection, and port
23 security; and

24 (4) recurring resources necessary to ensure the
25 success of harbor safety committees.

1 (b) PROTOTYPE COMMITTEES.—The Coast Guard
2 shall test the feasibility of expanding the harbor safety
3 committee concept to small and medium-sized ports that
4 are not generally served by a harbor safety committee by
5 establishing 1 or more prototype harbor safety commit-
6 tees. In selecting a location or locations for the establish-
7 ment of a prototype harbor safety committee, the Coast
8 Guard shall—

9 (1) consider the results of the study conducted
10 under subsection (a);

11 (2) consider identified safety issues for a par-
12 ticular port;

13 (3) compare the potential benefits of estab-
14 lishing such a committee with the burdens the estab-
15 lishment of such a committee would impose on par-
16 ticipating agencies and organizations;

17 (4) consider the anticipated level of support
18 from interested parties; and

19 (5) take into account such other factors as may
20 be appropriate.

21 (c) EFFECT ON EXISTING PROGRAMS AND STATE
22 LAW.—Nothing in this section—

23 (1) limits the scope or activities of harbor safe-
24 ty committees in existence on the date of enactment
25 of this Act;

1 (2) precludes the establishment of new harbor
2 safety committees in locations not selected for the
3 establishment of a prototype committee under sub-
4 section (b); or

5 (3) preempts State law.

6 (d) NONAPPLICATION OF FACA.—The Federal Advi-
7 sory Committee Act (5 U.S.C. App.) does not apply to har-
8 bor safety committees established under this section or
9 any other provision of law.

10 (e) HARBOR SAFETY COMMITTEE DEFINED.—In this
11 section, the term “harbor safety committee” means a local
12 coordinating body—

13 (1) whose responsibilities include recommending
14 actions to improve the safety of a port or waterway;
15 and

16 (2) the membership of which includes represent-
17 atives of government agencies, maritime labor, mari-
18 time industry companies and organizations, environ-
19 mental groups, and public interest groups.

20 **SEC. 504. LIMITATION OF LIABILITY OF PILOTS AT COAST**
21 **GUARD VESSEL TRAFFIC SERVICES.**

22 (a) IN GENERAL.—Chapter 23 of title 46, United
23 States Code, is amended by adding at the end the fol-
24 lowing:

1 **“§ 2307. Limitation of liability for Coast Guard Ves-**
 2 **sel Traffic Service pilots**

3 “Any pilot, acting in the course and scope of his du-
 4 ties while at a United States Coast Guard Vessel Traffic
 5 Service, who provides information, advice or communica-
 6 tion assistance shall not be liable for damages caused by
 7 or related to such assistance unless the acts or omissions
 8 of such pilot constitute gross negligence or willful mis-
 9 conduct.”.

10 (b) CLERICAL AMENDMENT.—The chapter analysis
 11 for chapter 23 of title 46, United States Code, is amended
 12 by adding at the end the following:

“2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots”.

13 **TITLE VI—JONES ACT WAIVERS**

14 **SEC. 601. REPEAL OF SPECIAL AUTHORITY TO REVOKE EN-**
 15 **DORSEMENTS.**

16 Section 503 of the Coast Guard Authorization Act
 17 of 1998 (46 U.S.C. 12106 note) is repealed.

○